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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,633	06/03/2005	Christopher Temple	SC12418EM	4941

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EXAMINER

CHRISS, ANDREW W

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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06/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,633	Applicant(s) TEMPLE ET AL.	
	Examiner Andrew Chriss	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/3/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claims 1 and 2** are objected to because of the following informalities:

Regarding Claim 1, claim language “dynamic section 50” should read “dynamic section.” Further, claim language “between two of the at least two sub-time slot” should read “between two of the at least two sub-time slots.”

Regarding Claim 2, claim language “comprises at least tow sub-time slots” should read “comprises at least two sub-time slots.”

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4, 5, 13, and 14** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4 and 13 recite “wherein the communication slots include static communication slots.” However, it is unclear based on the claim language whether the communication slots are the consecutive time slots or the dynamic communication slots cited in independent Claims 1 and 3. Examiner assumes that the cited time base in Claims 1 and 3 further comprises static communication slots. Claims 5 and 14 depend on Claims 4 and 13, respectively, and fail to resolve the indefinite nature of the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-10 and 12-19** rejected under 35 U.S.C. 103(a) as being unpatentable over Budde et al (United States Patent Application Publication US 2003/0142630 A1), hereinafter Budde, in view of Stacey et al (United States Patent 6,434,154), hereinafter Stacey.

Regarding Claims 1-3, Budde discloses a Flexray communication system comprising a plurality of communication nodes (Figure 1; paragraph 0038) utilizing dynamic communication slots (Figure 2; paragraphs 0039 and 0040). The communications nodes further comprise a time base (Figure 2) divided into multiple consecutive time slots. As shown in Figures 2 and 4, the start and end of a time slot is indicative of a transmission action point. However, Budde may not disclose each timeslot comprising at least two sub-time slots or means for incrementing the communication slot number and incrementing if there is no communication and not incrementing

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if there is communications. In the same field of endeavor, Stacey discloses a TDMA distribution network wherein a timeslot is divided in to multiple mini-slots which can be allocated to user traffic on an individual basis (Figure 2; column 4, lines 37-41), wherein the mini-slots comprise a start field for the start of the frame and a 1-byte guard band to indicate the transmission is ending (Figure 3). Further, Stacey contemplates an embodiment wherein multiple mini-cells are concatenated together (column 7, lines 57-63). Therefore, Stacey discloses scenarios wherein a slot number would be increased once the mini-cell is complete (Figure 2) as well as a situation wherein a slot number would not be increased when frames are concatenated together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the mini-slots disclosed in Stacey with the Flexray system disclosed in Budde in order to decrease packetization delay caused by packet/cell compression.

Regarding Claims 4, 5, 13, and 14, Budde further discloses static communication slots comprising a predetermined number of time slots (Figure 2; paragraph 0039).

Regarding Claims 6 and 15, Budde further discloses dynamic communication slots (Figure 2; paragraphs 0039 and 0040).

Regarding Claims 7 and 16, Budde further discloses that a particular node is assigned to a particular matching time slot (page 6, paragraph 0042).

Regarding Claims 8 and 17, Budde further discloses that upon system start, a check is made as to whether a signal correctly utilizes a time slot already present in the transmission medium (page 6, paragraph 0043).

Regarding Claims 9 and 18, Budde further discloses a node with an associated slot number and only transmitting in the associated slot number (page 7, paragraph 0045).

Regarding Claims 10 and 19, Budde further discloses a node transmitting a correct, error-free message in the associated time slot (page 7, paragraph 0045). As shown in Figures 2 and 4, the start and end of a time slot is indicative of a transmission action point.

4. **Claims 11 and 20** rejected under 35 U.S.C. 103(a) as being unpatentable over Budde in view of Stacey, as applied to Claims 10 and 19 above, and further in view of Gee et al (United States Patent 5,537,549), hereinafter Gee. Budde and Stacey disclose all of the limitations of Claims 10 and 19, as described above. However, the aforementioned references may not disclose the transmission of a busy signal. In the same field of endeavor, Gee discloses a TDMA system wherein a TX BUSY signal is transmitted as a transmit indicator (column 13, lines 26-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the busy signal transmission disclosed in Gee with the Flexray system disclosed in Budde, as modified above, in order to provide clock synchronization among separate stations connected to a network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Chriss whose telephone number is (571)272-1774. The examiner can normally be reached on Monday - Friday, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Chriss
Examiner
Art Unit 2619

/A. C./
Examiner, Art Unit 2619
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